

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Friday, January 18, 2008 – 1:00 p.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Gene Davis
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Sen. Mike Dmitrich

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.leg.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 1:15 p.m.

MOTION: Sen. Waddoups moved to approve the minutes of the January 9, 2008 meeting. The motion passed unanimously. Sen. Davis and Rep. Moss were absent for the vote.

2. 2008 General Session 1st Substitute H.B. 53, "Impact of Administrative Rules on Small Businesses"

Rep. Stephen Clark discussed the provisions and updates made to the legislation since the December 12, 2007 meeting.

MOTION: Rep. Ferry moved that the Committee endorse the concept of 2008 General Session 1st Substitute H.B. 53, "Impact of Administrative Rules on Small Businesses," and express appreciation to Rep. Stephen Clark for his efforts and willingness to work with the Committee on the bill. The motion passed unanimously. Sen. Davis and Rep. Moss were absent for the vote.

3. Options for Amending Utah Code Subsection 53A-2-208(4)

Chair Ferry reported that proposed language would be presented for consideration but no action taken at this time.

Staff distributed and Sen. Stephenson discussed "Potential Language for draft bill, 'High School Activities Regulation'".

Staff distributed and Rep. Ferry commented on "Potential Language for draft bill, 'High School Activities Regulation' provided by Larry Shumway, State Office of Education."

Mr. Larry Shumway, Deputy Superintendent, Utah State Office of Education, responded to questions from the Committee.

Mr. Dave Spatafore, representing the UHSAA (Utah High School Activities Association), expressed appreciation for the time given for the Association to work out language with the State Board of Education.

Sen. Stephenson requested that the State Office of Education and UHSAA prepare before draft language before Friday, January 25, 2008.

Sen. Madsen provided suggestions for additions to the potential language proposals.

4. 2008 General Session draft legislation, "Administrative Rule Criminal Penalty Amendments"

Staff distributed 2008 General Session draft legislation, "Administrative Rule Penalty Amendments." Rep. Ferry reviewed the sections of the draft legislation as they pertain to different departments.

Mr. Martin Bushman, Assistant Attorney General, Division of Wildlife Resources, reported that the legislation will not change how the Division goes about establishing policies, laws, and regulations relating to wildlife.

Mr. Doug Springmeyer, Assistant Attorney General, Department of Health, recommended taking the Department out of the bill and waiting until the Health and Human Services Interim Committee and the public health community have time to review and recommend a proposed resolution to the issues in the draft.

MOTION: Rep. Ferry moved to strike lines 189 through 216 of the draft legislation, adding that, as a matter of record, the Department of Health has committed to study the issue and prepare a proposal to resolve the issue during the 2008 interim. The motion passed with Sen. Waddoups and Rep. Newbold voting in opposition. Sen. Madsen was absent for the vote.

Mr. Wayne Klein, Director, Division of Securities, said the Division is requesting some technical changes, which will be given to Mr. Hunsaker following the meeting, to incorporate into the draft. Mr. Klein also proposed on Page 37, Line 1123, to delete "or" and insert "and".

MOTION: Rep. Ferry moved to make the changes proposed by Mr. Klein, on Page 37, Line 1123, to delete "or" and insert "and", and to include the other changes that Mr. Klein will provide to Mr. Hunsaker following the meeting.

There was not a quorum present at the time the motion was placed. The Committee agreed to return to the motion and vote when a quorum was present.

Ms. Heather Shilton, Assistant Attorney General, Division of Parks and Recreation, commented on the draft and proposed changes. Rep. Ferry asked Ms. Shilton to give the proposed changes to Mr. Hunsaker for inclusion in the draft.

The Committee voted on Rep. Ferry's motion to make the changes in the draft as proposed by Mr. Klein. The motion passed unanimously.

Chair Ferry asked that a new draft of the legislation be prepared for future committee discussion.

5. 2008 General Session draft legislation, "Concealed Firearm Permit Amendments"

Rep. Newbold stated that a draft would not be distributed yet because there were still changes and updates needed. She said work would continue on the draft in the coming week.

Ms. Debbie Johnson, Legislative Liaison, Department of Public Safety, said Commissioner Scott Duncan is willing to work with Rep. Newbold on language for the bill.

6. 2008 General Session draft legislation, "Administrative Rules Reauthorization"

Mr. Hunsaker distributed and discussed: 1) Section 53-5-704, which deals with permits to carry concealed firearms, and 2) R722-300 Concealed Firearm Permit Rule.

MOTION: Rep. Newbold moved to include R722-300 Concealed Firearm Permit Rule on the list of rules in the legislation that are not to be reauthorized by the Legislature. The motion passed with Rep. Holdaway voting in opposition.

Mr. Hunsaker distributed and discussed: 1) Section 76-8-311.1, which addresses functions of the Utah State Hospital, and 2) R525-6-1 Prohibited Items and Devices.

Rep. Curtis Oda commented on secured areas and what would need to be done to bring the rule into compliance with the statute.

Mr. Dallas Earnshaw, Superintendent, Utah State Hospital, responded to committee questions.

MOTION: Sen. Waddoups moved to include R525-6-1 Prohibited Items and Devices on the list of rules that are not to be reauthorized by the Legislature. The motion passed with Sen. Davis and Rep. Moss voting in opposition.

MOTION: Sen. Davis moved to approve 2008 General Session draft legislation, "Administrative Rules Reauthorization," as a Committee bill as amended. The motion passed unanimously.

7. Committee Business

The next meeting will be Friday, January 25, 2008 at 12:00 p.m.

8. Adjourn

MOTION: Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously.

Chair Stephenson adjourned the meeting at 3:40 p.m.